



**M O N T A N A
C O A L I T I O N A G A I N S T
D O M E S T I C A N D S E X U A L
V I O L E N C E**

TO: House Judiciary Committee
FROM: Kelsen Young, Executive Director
Montana Coalition Against Domestic and Sexual Violence
DATE: March 27, 2007
RE: SB 486 – Revise Aggravated Assault Law

Good morning, Madam Chair and members of the committee. My name is Kelsen Young and I represent the Montana Coalition Against Domestic and Sexual Violence. We are a membership-based organization consisting of domestic and sexual violence service providers and programs across the state of Montana. I am here to encourage you to pass SB 486.

SB 486 amends the current aggravated assault law to make it consistent with other assault statutes in Montana by stating that to cause someone reasonable apprehension of bodily injury constitutes aggravated assault. Reasonable apprehension of bodily injury is a subsection of all of the other assault statutes in title 45 and this bill covers the gap in the current aggravated assault statute.

Prosecutors will be able to charge, as felonies, cases where the victim felt like the perpetrator was just about to kill him/her or cause him/her serious bodily injury, even if by luck or the victim's quick actions the crime could have, but did not result in serious bodily injury. Strangulation cases, and other seriously threatening assault cases when the victim was placed in reasonable apprehension of serious bodily injury, could then be charged under this statute. This is particularly important for victims of domestic violence as strangulation, or the threat of, is unfortunately, a very common power and control tactic of abusers that has a devastating psychological effect on victims and a potentially fatal outcome. Ten percent of violent deaths in the US each year are due to strangulation, with six female victims to every male victim.

It only takes eleven pounds of pressure upon both carotid arteries for ten seconds to cause unconsciousness. If pressure is released immediately, consciousness will be regained within ten seconds; after 50 seconds the victim rarely recovers. For comparison, it only takes 8 lbs. of pressure to pull a trigger on a gun.

This bill was amended in the Senate Judiciary committee to remove the mandatory minimum 2-year sentence required by the original aggravated assault statute. Our membership is divided on this issue. Some feel that losing the minimum sentencing requirement undermines the lethality of strangulation cases, while others feel it important to get the bill passed as their communities may have a better chance of applying this charge without the mandatory minimum sentencing. MCADSV would support amendments to restore the original language, but overall we support the passage of the bill.

Please support SB 486 and pass it out of committee. We are available to answer any questions from the committee. Thank you for your time.

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EXHIBIT

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